

1907-033
Lee Co

Chancery Causes: Worley L. Moore vs. Rosa L. Moore

Johnstone, Carter, Stapleton

CA-Divorce
T-Migration

Worley L. Moore, Complainant,	#	
	#	
Vs.	#	Bill In Chancery.
	#	
Rosa L. Moore, Defendant.	#	
	#	

To the Hon. H. A. W. Skeen, Judge of the Circuit Court of Lee County:

Your complainant, Worley L. Moore, respectfully represents unto your honor, as follows:

1. That on or about the 2nd day of August, 1902, he was lawfully married at the home of her father, T. G. Johnstone, in the county of Lee, and State of Virginia, to Rosa L. Johnstone; and
2. That continuously from the said date of said marriage until about Christmas, 1903, your said complainant and the said Rosa L. lived together as husband and wife, happily so far as your complainant was concerned, and ~~happily~~ apparently happy on her part; and
3. That of their said marriage, there was born in due time a boy child which is now, as your complainant supposes with its mother; and
4. That the said Rosa L. Moore has wilfully deserted and abandoned your complainant for a period of more than three years: that is, to say, on the ____ day of December, 1903, the said Rosa L. Moore did voluntarily, wilfully and without ^{any} justification whatever, leave his home, and went to a man by the name of Carter's and lived a while, then back to her father's and stayed a while, and then taking their said child, and left her father's saying that she was going to Indian Territory, where she is still now living as your complainant is informed and charges; that just before she left your complainant she stated to various persons that she was leaving your complainant for good, and that she would never live with him again, and she has not since lived with him, although he tried to get her to return to his home; and
5. That your complainant has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than a

year next preceeding the commencement of this suit, and is domiciled and now resides in this State; and,

6. That your complainant last cohabited with the said Rosa L.M Moore at his home in Lee County, Virginia, before she left him as aforesaid.

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Rosa L. Moore be made a party defendant to this bill, and required to answer the same, but not on oath as that is expressly waived; that since she is a non-resident of this State, proper order of publication as required by law in the case of non-resident defendants be published and posted as to her; that proper process may issue; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed him; and that your complainant may have all such other and further and general relief in the premises as the nature of ~~him~~ his case may require, or to equity shall seem meet. And he will ever pray, etc.

Wesley L. Moore

Complainant.

Pennington Bros. P.Q.

Costs:
 Clk \$ 5.00
 tally 15.00
 Tax 1.50
 Shff. - - -
 P. M. 5.40
 Dep. 2.50

Worley L. Moore, Complt.

Vs. Bill In Chancery.

Rosa L. Moore, Deft.

1907 2nd Jan. Rules
 Bill filed, Spa.
 not accepted &
 Contd for O.P.

1907 1st Feb'y Rules
 O.P. Completed &
 Cause set for
 hearing.

Worley L. Moore, Complainant,

Vs.

Decree.

Rosa L. Moore, defendant.

This cause came on this the *18th* day of February, 1907, to be heard upon the bill of the complainant, and the depositions of witnesses taken in Virginia before a commissioner in chancery of this court, and was argued by counsel.

On consideration of all which, and it appearing to the court that the said defendant is a non-resident of this State; that there has been an order of publication duly made, posted and executed as against the said defendant; the law requires for non-resident defendants, and that fifteen days have elapsed since the completion of the execution of said order of publication, and she still failing to appear in this cause, and from the evidence furnished in this cause, and independantly of any admissions of either party in the pleadings, ~~that~~ the court being of the further opinion that the said complainant has resided and been domiciled in this county and State for more than a year before the commencement of this suit; that the said defendant without any just cause or excuse unlawfully and wilfully abandoned and deserted the said plaintiff for a period of three years before the commencement of this suit; and that the said complainant and defendant last cohabited in this county; the court doth hereby adjudge, order and decree that the marriage heretofore had and solemnized between the said plaintiff and defendant shall be and the same is hereby dissolved and annulled; and that the said Worley L. Moore be forever divorced from the said Rosa L. Moore, and she from him. And ~~it~~ is further decreed that the said plaintiff recover from said defendant his costs in this suit expended. And this cause is stricken from the docket.

Worley L. Moore,

vs. Decree Final.

Rosa L. Moore.

Entered in CO.B.
#8, page 255

Enter this,

Feb. 18 1907.

H. A. W. Green

Judge.

=====	"	
	"	
Worley L.Moore, Complainant.	"	
	"	
Vs.	"	Decree.
	"	
Rosa L.Moore, Defendant.	"	
	"	
=====	"	

This cause came on this the _____ day of February, 1907, to be heard upon the bill of the complainant, the depositions of witnesses taken in Virginia, before a Commissioner in Chancery, and was argued by counsel.

On consideration of all which, and it appearing to the court, that said defendant is a non-resident of this state, that an order of publication has been duly published in the Jonesville Star a newspaper published in this county, for four successive weeks, and the same posted at the front door of the court house as and that fifteen days have expired since the said four weeks; required by law; that the said parties were duly married to each other on the 2nd day of August, 1902; that from the evidence furnished in this cause, the court is opinion that said Rosa L. Moore wilfully deserted and abandoned the said plaintiff for a period of more than three years, and that the said plaintiff has resided and been domiciled in this State ever since the marriage aforesaid, of said parties, and for more than a year next before the commencement of this suit and is now domiciled and a resident in this State, and that they last cohabited with each other as husband and wife, in this County, the court doth adjudge, order and decree that the marriage heretofore had and solemnized between the said Worley L. Moore and Rosa L. Moore, (formerly Rosa L. Johnstone) shall be and the same is hereby dissolved and annulled, and that the said complainant be for ever divorced from the said defendant, and she from him; and that the said Rosa L. Moore do pay unto the said complainant his costs expended in the prosecution of this suit. And this cause is stricken from the docket.

Worley L. Moore.

Vs.

Decree.

Rosa L. Moore.

Enter this, Feb., 1907.

Judge.

===== #
Worley L. Moore, Complainant. #

Vs. #

Rosa L. Moore, Defendant. #
===== #

Depositions.

The depositions of Worley L. Moore and others, taken before me, W. K. Hopkins, a commissioner in chancery for the Circuit Court for Lee county, Virginia, at the law office of E. W. Pennington, in the town of Pennington Gap, in Lee county, Virginia, on the 7th day of February, 1907, to be read as evidence in behalf of Worley L. Moore, in a certain suit in equity depending in the Circuit Court for Lee county, Virginia, wherein the said Worley L. Moore is complainant and Rosa L. Moore, is defendant. It further appearing that the said defendant is a non-resident of this State, and against whom the said complainant has proceeded by an order of publication duly completed, and fifteen days having elapsed after such completion of the publication of such order.

Present, E. W. Pennington, attorney for the said Complainant,

" No one for the said defendant.

The witness Worley L. Moore after being duly sworn, deposes as follows:

Q.1. Give your name, age, residence and occupation.

Ans. My name is Worley L. Moore; I am 26 years old, reside in Lee County, Virginia; my post office is Keokee, Va., and I am a laborer by occupation.

Q.2. Are you the defendant in this case?

Ans. I am.

Q.3. Were you ever married, if so, to whom?

Ans. I was married to Rosa L. Moore, on or about the 2nd day of August, 1904, in Lee county, Virginia. Her maiden name was Rosa L. Johnstone, and she was a daughter of Thomas G. Johnstone.

Q.4. After you and the said Rosa L. were married to each other, how long did you and her live together as man and wife?

Ans. We did live together after we were married to each other, until about Christmas, 1903, when to my surprise, and against my consent

she left me, and has not lived with me since.

Q.5. How do you know your wife left you?

Ans. About Chrstitmas, 1903, I was preparing to move into a house, which I had rented, and taken part of my things to it; and came back to her fathers for some of our things, and found she was not at her fathers, and her mother told me that my wife had gone to Mrs. Hughes. We got to looking around and found that her telescope was gone, and I found a note from in my trunk in which she told me to let her things alone, but I could take my own. I don't know what I did with this note. I have not got it now, nor do I know where it is.

Q.6. How did you and your wife get along before she left you?

Ans. We got along together all right; we never had any trouble.

Q.7. Did you have any children born to your marriage with the said Rosa? If so, how many?

Ans. There was one, - boy. She has the child now.

1Q. 8. What became of your wife after she left you, and where is she now, or what is your information as to where she is?

Ans. She first went to Tom. Carters after she left me, and stayed there a while; then she came back to her her fathers, so I have been informed, and stayed a while, and then she took our child and went to Indian Territory, and is there now, I suppose.

Q.9. Did you ever give your wife any cause for leaving you? if so, what was it?

Ans. None whatever, that I know of.

Q.10. Where do you make your domicile and residence?

Ans. At Hen. Marsey's in the Crab Orchard, in Lee County, Virginia. And have been making that place my residence and domicile for the next last three years. I have made this county and State my home and place of residence all my life. We last lived together as man and wife in this County, and State.

11. Where were you and the said Rosa married to each other?

Ans. At her father's, in Lee county, Va., by Rev. Redwine.

And further this deponent saith not.

Walter J. Moore

Lee R. Stapleton, after being duly sworn deposes as follows:

Q.1. Give your name, age, residence and occupation.

Ans. My name is Lee R. Stapleton, I am 39 years old; reside in the Pocket country, on the North Fork of Powell's river, in Lee county, Virginia. I am foreman now on railroad work.

Q.2. Do you know the plaintiff and defendant in this suit? If so, how long have you known them?

Ans. I do know said parties. I knew his wife nearly all her life. And I knew Worley, about seven or eight years.

Q.3. Do you know whether the said Worley L. Moore and Rosa L. Johnstone were married to each other? If so, how do you know they were married to each other, and about when was it they married?

Ans. I know they were married to each other. I was present when they were married to each other at her father's. I heard the ceremony administered to them. I can't say just exactly when it was they were married, but it was about August, 1901.

Q.4. Do you know any thing about Rosa L. Moore leaving Worley, and never living with him any more? If so, tell what you know about it, and how you know about it.

Ans. She and he were living together at her father's, in about 300 yards from ^{where} I lived, and Worley was preparing to move out to himself, and I think, had taken part of his things to the house ^{more} where he was going to, and came for some of his things, and his wife was gone. After this, perhaps some six months after, I saw her at or near her father's and she and my wife were talking something about her husband, and she marked that she would never live with him another day. I have don't know of them ever living together any more, nor have I ever heard of them living together.

Q.5. If you know, tell where Rosa went to after she left her husband?

Ans. She was gone from her father's some little time, and came back to her father's and stayed a little while, and then she left her father's and went to the Indian Territory. She has been gone to said Territory something over two years, I think. I heard her say she was going to said Territory.

Q.6. If you know state whether she took her child with her, when she went to Indian Territory?

Ans. She started with the child when she left.

Q.7. Has she ever returned from said Territory?

Ans. No, that I know any thing about. I think, I would have found out about her return had she done so, for as before stated her father and myself lived in three hundred yards of each other, and in sign of each other.

Q.8. What was the conduct of Worley towards his wife, when you were about them, or saw them together?

Ans. He was nice and kind towards her; and they appeared to think a great deal of each other. I saw nothin else out of them that would lead ~~the~~ me to think any thing else.

And further this deponent saith not.

Lee R. Stapleton

Nannie E. Stapleton, another witness after being duly sworn, deposes as follows:

Q.1. How old are you, and where do you live?

Ans. I am 33 years old, and live on the North Fork of Powell's river, in Lee County, Virginia, in the Pocket country. I am the wife of Lee R. Stapleton who has just given his deposition in this case.

Q.2. Did you know Worley L. Moore and his wife, if so, how long did you know them?

~~Ans.~~ Ans. I knew Rosa from a child up, and Worley about six years.

Q.3. Do you remember about when it was Worley and Rosa were married to each other?

Ans. They married to each other on the 2nd day of August, 1901. I remember that this was the date of their marriage, on account of the date of the birth of one my children.

Q.4. Do you know any thing about Rosa leaving her husband? if so, what is it that you know about it, and how do you know it?

Ans. On the 25th day of December, 1903, Rosa came to my house and asked me to help her with her baby, saying that she was going to

leave her husband. I told her I would not do it. Then in a few days her mother came to my house and asked me if I knew any thing of Rosa and said she was gone. This was before New Years day. I told her to go back home and see if her telescope was gone, and if it was gone, Rosa was gone. I saw her no more about her father's for something over a month. Something like six monthas after this, I saw Rosa as we were going from Church, and I asked her if she was going to live with Worley any more, and she said she was not; that she had left him and had left him for good. She made her father's her home until she left for Indian Territory. She told me at diferent times that she was not going to live with him any more. When she was talking about going to Indian Territory, she said she thought she could maintain herself and child easier there than here, and that she wanted to take her child where Worley could never get hold of it. I went with Rosa once to the depot at Pennington Gap, to see about her getting her ticket to go off on. I think she has been gone to Indian Territory for something over two years. She wrote me once after she got there. In talking to her about leaving her husband, at no time did she ever claim that he was mean or abusive to her. She said she was not satisfied with. I saw them a good deal together before she left him, and I never saw any thing at all to indicate that they were disagreeing, or that there was any trouble between them.

And further this deponent saith not.

Nannie E. Stapleton

Virginia,

Lee County, to-wit:

I, W.K. Hopkins, a commissioner in chancery fro the Circuit court for Lee county, Virginia, do hereby certify thta the foregoing depositions of Worley L. Moore, Lee R. Stapleton, and Nannie E. Stapleton were duly taken, reduced to writing and signed by the said witnesses, respectively, before me at the place and time therein mentioned, Given under my hand this the 7th day of February, 1907.

W. K. Hopkins

Comr. In Chan. For Lee Circuit Court.

Worley L. Moore

v. } Depositions

Rosa L. Moore

Filed February 15, 1907.

H. C. Ewing,

Clk.

Witnesses

Koffiers paid

\$1.00 paid

1.50

In the Clerk's Office of the Circuit Court of the county of Lee, on the 2nd
day of January, 1907.

Worley L. Moore,

Plaintiff

against

Rosa L. Moore,

Defendant

In Chancery.

The object of this suit is to obtain a divorce a vinculo matrimonii.

And an affidavit having been made and filed that the defendant, Rosa L. Moore is

^a not resident of the State of Virginia, it is ordered that she do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Jonesville

Star and that a copy be posted at the front door of the Courthouse of this county as prescribed
by law

A copy—Teste:

Perington Bros, p. q.

H. C. J. Ewing, Clerk.
By M. E. Hawary, D.C.

Worley L. Moore

vs.

{

ORDER OF
PUBLICATION

Rosa L. Moore

Virginia, Lee County, to-wit:

I, H. C. J. Ewing, County
Clerk, do certify that I
posted a true copy of
the within order of pub-
lication at the front
door of the Court-house
of said County, on
this day,

Given under my hand,
this January 2nd, 190th,

H. C. J. Ewing,
Clerk.

Worley L. Moore, Complainant,)
Vs.) Affidavit.
Rosa L. Moore, Defendant.)

State of Virginia, Lee County, to-wit:

This day Worley L. Moore, the above named plaintiff, personally appeared before me A. G. Hyatt, a notary public in and for the county and State aforesaid, in my county aforesaid, and made oath that Rosa L. Moore, the above named defendant, is not a resident of this State.

Given under my hand this the ^{December} 22nd day of ~~November~~, 1906.

A. G. Hyatt N.P.
My Commission Expires January 5, 1910

Horley L. Moore.

vs. [aff. for O.P.]

Rosa L. Moore

Filed Jan. 21, 1907

H.C.P. Ewing,

clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Rosa L. Moore

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the 3rd Monday in Jan'y, 1907 to answer a bill in chancery exhibited against her
by Worley L. Moore

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 2nd
day of January, 1907, and 131" year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Worley L. Moore

VS

}

SUBPOENA
IN
CHANCERY.

Rosa L. Moore

Per. Bros, p. q

To 2nd January
1907 Rules.

Circuit Court.

1907.

Order of Publication

In the Clerk's Office of the Circuit Court
of the county of Lee, on the 2nd
day of January, 1907.

WORLEY L. MOORE, Plaintiff,
against

ROSA L. MOORE, Defendant.

In chancery.

The object of this suit is to obtain a
divorce a vinculo matrimonie. And an
affidavit having been made and filed that
the defendant, Rosa L. Moore is not a
resident of the State of Virginia, it is
ordered that she do appear here within
fifteen days after due publication here-
of, and do what may be necessary to
protect her interest in this suit. And
it is further ordered that a copy hereof
be published once a week for four weeks
in the Jonesville Star and that a copy be
posted at the front door of the Court-
house of this county as prescribed by
law.

A copy—Teste:

H. C. T. EWING, Clerk.

By M. E. FLANARY, D. C.

PENNINGTON BROS. p. q.

Wiley S. Moore
vs } in ch. eq.
Rosa S. Moore



I, J. C. Beutler, editor
of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 3
day of Jan 1907

J. C. Beutler, Editor.

FEE \$ 5 ¹⁴/₂

Worley L. Moore.

vs. Bill

Rosa L. Moore

1900 to 10